

FINIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 63-403.1

Specific Purpose:

This section is amended to reflect changes regarding noncitizen eligibility.

Factual Basis:

This section is necessary to conform the California Department of Social Services' (CDSS') Manual of Policies and Procedures (MPP) to federal law as amended by Public Law (P.L.) 107-171, Section 4401(a), of May 13, 2002. This section states that P.L. 107-171 amends the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 regarding food stamp noncitizen eligibility.

Section 63-405.134

Specific Purpose:

This section is amended to reflect the change in federal law to include qualified disabled noncitizens in federal eligibility regardless of the date of entry into the U.S. This section also includes a change to the required verification for the noncitizen's disability.

Factual Basis:

This section is necessary to conform CDSS' MPP to federal law as amended by P.L. 107-171, Section 4401(a) of May 13, 2002. This section adds federal food stamp eligibility for disabled noncitizens who entered the U.S. after August 22, 1996.

Final Modification:

At the Department's discretion, this section has a clerical error corrected.

Section 63-409.122

Specific Purpose:

This section is amended to reflect the change in federal law increasing the resource limit for households containing a disabled member from \$2000 to \$3000 effective October 1, 2002.

The language of this section is also amended to use the term "elderly" as defined in MPP Section 63-102(e)(1)(A).

Factual Basis:

This section is necessary to conform CDSS' MPP to federal law as amended by P.L. 107-171, Section 4107, of May 13, 2002. This section aligns the resource limit for households with a disabled member to that of households with an elderly member.

Final Modification:

At the Department's discretion, this section has been corrected to include the previously missing phrase "at least".

Section 63-502.31 et seq.

Specific Purpose:

This section is reformatted and amended to reflect the change in federal law restructuring the Standard Deduction from the same amount to all households to a varying amount allowing for a higher Standard Deduction for larger households but only to a household of six. This amendment reflects that greater expenses are incurred by larger families.

Factual Basis:

This section is necessary to conform CDSS' MPP to federal law as amended by P.L. 107-171, Section 4103, of May 13, 2002. The Standard Deduction is changing from \$134 to 8.31 percent of the net income limit based on household size.

Final Modification:

At the Department's discretion, Section 63-502.311(a)(1) has been corrected grammatically to include the word "of" in the phrase "income standard of eligibility" for clarity.

b) Identification of Documents Upon Which Department is Relying

House of Representatives Bill 2646/Public Law 107-171. (Also known as The Farm Security and Rural Investment Act of 2002 or the Food Stamp Reauthorization Act of 2002).

c) Testimony and Response

There was neither oral testimony presented at nor written testimony received as a result of the November 19, 2002, public hearing.

d) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not school districts. There are no “state-mandated local costs” in these regulations, which require federal and state reimbursement due to increased administrative costs under Section 17500 et seq. of the Government Code. The local agencies, State, and federal agencies share administrative costs. Increased costs in benefits are paid entirely by the federal government.

e) Statement of Potential Cost Impact on Private Persons or Businesses and of Alternatives Considered

CDSS has determined that the proposed regulations do not impose an adverse cost impact on private persons or businesses, including the ability of California businesses to compete with businesses in other states because these regulations do not impact private persons or businesses.

CDSS has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed actions.

f) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

g) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

h) 15-Day Renotice Statement

There was a 15-day renotice from December 16, 2002 to December 31, 2002, to identify the documents that were corrected prior to the emergency filing and prior to the November 19, 2002, public hearing, however, no further post-hearing changes have been made to the regulations.